

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.20171 of 2018

ORDER:

Heard learned Counsel appearing for the petitioner and the learned Government Pleader for Prohibition and Excise for the respondents.

Followed by registration of Crime No.35/2018, under Section 36 (1)(i) read with 31 (1)(b) and (c) of the A.P.Excise Act, 1968, and a show cause notice, dated 29.05.2018, and submission of explanation by the petitioner on 06.06.2018, the Prohibition and Excise Superintendent, Vijayawada/4th respondent herein ordered suspension of the licence of the petitioner herein vide Rc.No.156/2018/A2, dated 12.06.2018. The said order passed by the 4th respondent is under challenge in the present writ petition.

According to the learned Counsel for the petitioner, the impugned action is highly illegal, arbitrary and violative of Section 31 (1) (b) of the A.P.Excise Act, 1968. In elaboration, it is submitted by the learned Counsel that since the 4th respondent did not fix any limited period for suspension, the impugned order is liable to be set aside.

On the other hand, it is submitted by the learned Government Pleader, on instructions, that in view of the availability of alternative remedy of appeal to the Deputy Commissioner of Prohibition and Excise under Section 63 of

the A.P.Excise Act, 1968, the present writ petition is not maintainable. It is also submitted by the learned Government Pleader that after verification of C.C. footages of the subject shop, the respondents found that Nowkarnama sold the seized liquor stock to one Mr.G.Satish, the accused in the crime, in a single transaction and the same would attract the alleged violations, as pointed in the show cause notice and the impugned order.

In view of the above, this Court is not inclined to grant any relief in the present writ petition in favour of the petitioner herein, however, the respondents are directed to complete the enquiry and pass final orders, strictly in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No costs.

29th June, 2018
smr

A.V.SESHA SAI,J